

J. V. DAVIS.

JUNE 7, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. YOST, from the Committee on Claims, submitted the following

REPORT.

[To accompany H. R. 5778.]

The Committee on Claims, to whom was referred the bill (H. R. 5778) for the relief of J. V. Davis, have had the same under consideration, and beg leave to submit the following report:

Mr. Davis, the claimant in this case, was superintendent of the national cemetery at Alexandria, Va. On the 9th day of August, 1878, between the hours of 2 and 3 o'clock in the morning, a fire broke out in the lodge or building used and occupied by himself and family as a dwelling and spread so rapidly that to save the Government property therein he was compelled to lose his own.

The testimony shows that he saved all the Government property and lost his own, even to the wearing apparel of his family and himself. An itemized statement of the property destroyed and its value has been presented and is sworn to by Mr. Davis.

One James Smith, who was present at the fire, makes the following affidavit:

STATE OF VIRGINIA, *City of Alexandria, to wit:*

This day James Smith personally appeared before the undersigned, K. Kemper, a notary public for the city aforesaid, in the State of Virginia, and made oath that he is the lieutenant of the Alexandria, Va., police force, and has been such for six years, having joined the force in the year 1870 and served therein continuously until this day; that between 2 and 3 o'clock in the morning of August 9, 1878, as he now remembers, he was standing at the corner of King and Fayette streets, in said city, in company with one Julian Arnold, who was also a member of said police force; that they then saw a light, indicating a fire, in the direction of the United States military cemetery, which lies to the south and westward of said city; that affiant and Arnold ran in the direction of the cemetery, and upon arriving there found that the lodge occupied by J. V. Davis, superintendent of the cemetery, was on fire.

They went to the lodge for the purpose of assisting the said Davis in the emergency. They met Mr. Davis, and he told them that all of the property on the lower floor or first floor of the lodge was the property of the United States Government, and he desired them to save it before attempting to save that which belonged to himself; they complied with his wishes and succeeded in carrying from the burning lodge to a place of safety all or nearly all of the property of the Government;

that after they had put the Government property in a place of safety this affiant endeavored to go upstairs to the second story to assist in saving the personal property of the said J. V. Davis, but was prevented from doing so by the flames; that he then came out of the lodge, climbed on the portico, went through a window of the second story, and carried out a trunk belonging to the wife of J. V. Davis; thereupon he made a second attempt to get into the house from the roof of the portico, but by that time the fire had gotten to such a height that it was impossible for him to enter the premises for the purpose of saving any other of the property, and it was all consumed in the flames.

Affiant further states that it is his belief that all of the personal property of the said J. V. Davis could have been saved by himself, his companion policeman, and Mr. Davis if they had not consumed the time necessary to save the property of the Government on the first floor.

Affiant further states that he made a like affidavit to this on a former occasion several years ago, but that the same has been lost or mislaid either in the War Department or between the War Department and the Committee on Claims of the House of Representatives.

Affiant further states that said Policeman Arnold also made a like affidavit several years ago, which also appears to have been lost, and that the said Policeman Arnold is now deceased, having been killed about three years ago.

And further affiant saith not.

Given under my hand and notarial seal this 19th day of April, 1890.

K. KEMPER, *Notary Public.*

The Secretary of War recommended favorable consideration of the application by Congress, as appears from the following letter:

WAR DEPARTMENT,
Washington City, December 14, 1878.

The Secretary of War has the honor to transmit to the House of Representatives copy of a communication from Superintendent J. V. Davis, in charge of the national cemetery at Alexandria, Va., dated the 14th ultimo, requesting to be reimbursed for loss sustained by the burning of the lodge at said cemetery on the 9th of August, 1878; also schedule of the articles destroyed and their value.

It will be seen from the indorsement of Captain Rockwell, depot quartermaster, that "the superintendent lost his personal effects in his efforts to save the public property." The application of Superintendent Davis is therefore respectfully recommended to the favorable consideration of Congress.

Respectfully submitted.

GEO. W. McCRARY,
Secretary of War.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

The committee, upon careful consideration of all the facts and circumstances, recommend that the bill be amended by striking out the words "nine hundred and fifty," in line 6, and inserting in lieu thereof the words "five hundred," and that, so amended, the bill do pass.